

**SUPERIOR COURT OF CALIFORNIA COUNTY OF KERN
PROPOSED LOCAL RULES OF COURT FOR JANUARY 1, 2012**

Rule 1.2 Duties of Presiding Judge (Effective 7/1/03; rev. 1/1/12)

(a) Selection and Succession of Presiding Judge (Effective 01/01/12)

The Superior Court, County of Kern, establishes the following procedure for the orderly transition of the Presiding and Assistant Presiding Judge.

1. **Selection.** In October of every odd year, the Presiding Judge shall call for a meeting of all judges for a vote selecting the Assistant Presiding Judge. The Assistant Presiding Judge shall be elected by a majority vote of the judges. Proxy votes are approved if the Proxy is in writing and signed by the respective judge authorizing a vote in their name.
2. **Qualifications.** A candidate for the Assistant Presiding Judge shall meet the minimum qualifications as outlined in California Rules of Court 10.602 (b).
3. **Assistant Presiding Term and Duties:** There shall be one Assistant Presiding Judge for the Superior Court, County of Kern. The Assistant Presiding Judge shall assume office on January 1 of the year succeeding the vote of the judges. The term shall be for one year. The Assistant Presiding Judge shall be assigned duties as needed by the Presiding Judge. He or she shall assume the office of the Presiding Judge, with all of its duties and powers, if the Presiding Judge is unavailable.
4. **Presiding Term.** At the end of the one-year term as Assistant Presiding Judge, he or she shall succeed to the office of Presiding Judge. The Presiding Judge shall serve a term of two years. At the end of his or her two-year term as Presiding Judge, he or she will serve another year as Assistant Presiding Judge.
5. **Completion of Term:** If a Presiding Judge is unable to complete his or her term, the Assistant Presiding Judge will serve as Presiding Judge for the balance of his or her term as Assistant Presiding Judge.
6. **Removal:** A Presiding Judge or Assistant Presiding Judge may be removed by a two-thirds (2/3) vote of the Judges of the Kern County Superior Court.

Rule ~~3.2~~ 1.10 Facsimile Filing ~~of Civil Actions~~ (Effective 7/1/03; rev. 1/1/06; rev. 1/1/11; rev. 7/01/11; rev. 1/1/12)

The Superior Court of California, County of Kern, has elected to allow the filing of civil documents by facsimile transmission through the use of a fax filing agency only. California Rules of Court Rules 2.300 et seq. applicable to fax filings through a fax filing agency apply. (Effective 7/1/03; rev. 1/1/11; rev. 7/01/11)

- (a) Fax filings received after 5:00 p.m. or on Court Holidays shall be deemed

filed on the next court day. (Effective 7/1/03; rev. 1/1/11; rev. 7/01/11)

- (b) Fax filings not in compliance with applicable rules will not be accepted for filing by the court. The proper transmission of a document facsimile is the responsibility of the filing attorney or party, not the court. The filing agency must pay all applicable fees at the time of filing. (Effective 7/1/03; rev. 1/1/11; rev. 7/01/11)
- (c) The transmission record, as defined in CRC Rule 2.301(6), shall serve as confirmation of filing. (Effective 7/1/03; rev. 1/1/11; rev. 7/01/11)

Rule 1.11 Electronic Filing (Eff. 1/1/12)

The Superior Court of California, County of Kern, has elected to allow the filing of civil documents by electronic transmission through the use of one electronic service provider only. CRC Rule 2.250 et seq., applicable to electronic filings through an electronic service provider apply. (Eff. 1/1/12)

- (a) Electronic filings received after 5:00 p.m. or on Court Holidays shall be deemed filed on the next court day. (Effective 1/1/12)
- (b) Electronic filings not in compliance with applicable rules will not be accepted for filing by the court. The proper electronic transmission of a document is the responsibility of the filing attorney or party, not the court. The filing service provider must pay all applicable fees at the time of filing. (Eff. 1/1/12)
- (c) The Court's confirmation of filing constitutes verification of filing, as described in CRC Rule 2.259. (Effective 1/1/12)

Rule 8.1.5 Matters Which are Proper to be Submitted on the Pleadings (PSP) (Eff. 1/1/12)

- (a) All matters set for hearing are reviewed in advance by the probate examiner's office. Examiner's notes are posted under "Tentative Rulings" (also known as "Probate Notes") on the Kern County Superior Court website. Any documents submitted to resolve examiner's notes shall be filed by 9:00 a.m. two court days prior to the hearing date, or they may not be considered by the court and the matter may be continued.
- (b) Appearances are required on all petitions for appointment of conservators and guardians, confirmation of sale of real or personal property, approval of extraordinary fees, spousal property petitions, ex parte applications/petitions and any petition to which objection has been filed. For all other matters, if the matter is submitted properly, if all procedural requirements have been satisfied, and if the matter does not require discretionary consideration by

the Probate Judicial Officer, the matter will be noted by the probate examiner's office as "proper to be submitted on the pleadings" (PSP), and a court appearance will not be necessary.

- (c) Special Procedural Requirements for PSP matters: A proposed Order shall be submitted concurrently with the petition. The Notice of Hearing or Notice to Administer Estate for all matters submitted as PSP shall include the following legend in at least 10 point capitalized bold font:

1. THIS MATTER IS SUBMITTED AS "PROPER TO BE SUBMITTED ON THE PLEADINGS (PSP)." ALL MATTERS APPROVED AS PSP WILL BE GRANTED UNLESS YOU APPEAR AT THE HEARING AND OBJECT WHEN THE PSP CALENDAR IS CALLED.

- (d) Matters proper to be submitted on the pleadings are called by the court as a group at the time set for hearing. If there are no objections and no objectors present, and if the Probate Judicial Officer approves the petition, the Order will be signed. If someone appears at the hearing to object, or if the Probate Judicial Officer does not approve the petition, a new hearing date will be set and a copy of the minute order will be mailed by the clerk to petitioner's counsel or petitioner in pro per.
- (e) In the event an objection or attempted objection is made on the hearing date, but after the Order is signed, the Judicial Officer has the discretion to set aside such Order.